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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/037,427	01/02/2002	Guenther Heinz	B01-085A	7207

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THE GATES CORPORATION
IP LAW DEPT. 10-A3
1551 WEWATTA STREET
DENVER, CO 80202

EXAMINER

MATECKI, KATHERINE A

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 02/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/037,427

Applicant(s)

HEINZ ET AL.

Examiner

Kathy Matecki

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 and 28-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/26/04&9/26/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The abstract of the disclosure is objected to because it should avoid using phrases or words which can be implied, such as, "The invention", etc. Correction is required. See MPEP § 608.01 (b).

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-10, 13-22, 28-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Baranda et al. 6,739,433 B1 (Baranda).

Baranda '433 discloses an elevator lift system comprising a belt having an elastomeric body having a width (w) and a thickness (t) and having a pulley engaging surface having a plurality of ribs with angle of approximately 90°, Fig. 5, wherein the aspect ratio w/t is greater than 1, a plurality of tension cords (96) contained within the body and extending longitudinally, and at least one pulley (98) having a ribbed profile engaged with the pulley engaging surface.

Re. claims 2, 3, 9, 10, 21, 22, 29 and 30, the tensile cords comprise a conductive material (steel) wherein the resistance of the cords vary to indicate the load exerts on the belt.

4. Claims 1-10, 13-22, 25 and 28-31 are rejected under 35 U.S.C. 102(b) as being anticipated by "Sizing up V-ribbed Belts" by Gary Porter.

The "Sizing up V-ribbed Belts" article discloses a lift belt (see Figures on page 2) comprising: an elastomeric body having a width (w) and a thickness (t) and a pulley engaging surface,

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the elastomeric body having an aspect ratio w/t that is greater than 1,
a tensile cord contained within the elastomeric body and extending longitudinally,
the pulley engaging surface having a ribbed profile, and
the ribbed profile having a rib with an angle of approximately 90°.

Re claims 13 and 28, the articles also teaches (see page 1) at least one pulley having a ribbed profiled engaged with the pulley engaging surface. Note, with regard to the preamble of claims 13 and 28, respectively, a preamble is generally not accorded any patentable weight where it merely recites the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the structural limitations are able to stand alone.

Re claims 2, 3, 9, 10, 21, 22, 29 and 30, the tensile cords comprise a conductive material (steel) wherein the resistance of the cords vary according to the load exerts on the belt.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-26 and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schroder-Brumloop et al. 6,138,799 in view of Robar et al. 6,633,159.

Schroder-Brumloop '799 discloses an elevator lift system comprising a belt having an elastomeric body having a width (w) and a thickness (t), a pulley engaging surface having a plurality of ribs with angle of approximately 90°, Figs 2 & 4, wherein the aspect ratio w/t is greater than 1, and at least one pulley (36) having a ribbed profile engaged with the pulley engaging surface.

Robar '159 discloses a system for detecting defects in a flat rope having electrically conductive tension cords by measuring resistance values from the cords.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized a load detecting system for the lift belt system of Schroder-Brumloop to determine the lift belt condition as taught and suggested by Robar '159.

7. Claims 11, 12, 23, 24 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Sizing up V-ribbed Belts" in view of Robar et al. 6,633,159.

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"Sizing up V-ribbed Belts" discloses all the claimed limitations except for having an electrical circuit connected to the tensile cord for measuring/detecting a tensile cord load.

Robar '159 discloses a system for detecting defects in a rope having electrically conductive tension cords by measuring resistance values from the cords.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized a load detecting system for the lift belt system of "Sizing up V-ribbed Belts" to determine the lift belt condition as taught and suggested by Robar '159.

Response to Arguments

8. Applicant's arguments filed September 26, 2005 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "According to Fig. 1 the rib angle (α) is a measurement of the relationship of the side of the rib) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant argues that Fig. 5 of Baranda only illustrates a relationship between an outer covering of adjacent tension members (92), not an angle for the "groove". The ribbed profile of Baranda shows the rib angle of approximately 90 as clearly supported by Fig. 5.

Applicant argues that the tensile cords of S-B would have to extend from side to side across the width of the belt. Fig. 4, at the top and bottom where reference numerals 44, 46 depicted, the tensile cords clearly run in the lengthwise. Further, the questions of patentability have nothing to do with SAE standard.

Applicant argues that Gary Porter does not show rib angle of approximately 90 degrees. The ribbed profile shown on page 2 is reasonably interpreted as approximately 90 degrees. Again, the questions of patentability have nothing to do with SAE standard since any standards can be changed.

In response to applicant's argument that teeth belt and ribbed belt are different, and they are not interchangeable in any type of service, as pointed in the previous response, there are no structural

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different between the ribbed belt claimed and the ribbed belt portion between sheaves 38 and 40 disclosed in the S-B reference. And further, the office does not interchange the ribbed belt of S-B reference with any other ribbed belt.

In response to applicant's argument with respect to claim 26, please see the response with respect to Porter.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy v. Tran whose telephone number is 571-272-6932. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TVT (TVT)


EILEEN D. LILLIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600